

## A-21: WORKSHEET FOR PREPARING 24 CFR 58.5 STATUTORY CHECKLIST

### Worksheet for Preparing 24 CFR §58.5 Statutory Checklist

[Attach this Worksheet and all documentation used to complete this Worksheet to Statutory Checklist]

#### General Project Information:

Does the project include demolition, ground disturbance, new construction or substantial rehabilitation (increases capacity by 20% or more)?

Yes  No

#### 1. Historic Properties [36 CFR Part 800]

a. Is the project located within or directly adjacent to a historic district?

Yes  No

b. Were any properties of historical, architectural, religious, or cultural significance identified in the project's Area of Potential Effect (APE)?

Yes  No

c. Did the SHPO agree that "no historic properties will be affected?"

Yes  No

d. Does the project involve the transfer, lease, or sale of a historic property of religious and cultural significance to tribes, ground disturbance, or new construction in undeveloped natural areas (if no, tribal consultation is not required)?

Yes  No

e. If yes to 1.d., does HUD's Tribal Directory Assessment Tool indicate that tribes have an interest in the location where the project is sited? (<http://egis.hud.gov/tdat/Tribal.aspx>)

Yes  No  N/A

f. If "yes" to 1.e., upon notification by Grantee in writing, did any tribe(s) respond with the following within 30 days of the receipt of the notification:

Request to be consulting party  Request inadvertent discovery clause  No response

**If the SHPO does not agree "no historic properties will be affected" or if a Tribe requests to be a consulting party, contact OCD to discuss further. Otherwise, mark Box A and compliance is complete.**

#### 2. §58.5(b) (1) Floodplain Management [24 CFR Part 55]

a. Is the project located within (or have an impact on) a 100 year floodplain (Zone A) or Coastal High Hazard (Zone V) identified by FEMA maps?

Yes  No

b. Does the project involve a "critical action," per §55.2(b)(2)(i), located within a 500 year floodplain (Zone B) identified by FEMA maps?

Yes  No

- c. Is the project located in a floodway? **If so, contact OCD immediately to determine if this project may be completed.**

Yes  No

**If no to a, b and c, mark Box A and compliance is complete. If yes to a, b, or c, mark Box B and follow HUD's Floodplain Management Regulations 8-step decision-making process of §55.20 to comply with 24 CFR Part 55. The findings of the decision-making process must be included in the ERR and summarized in Part 58 public notices, as well as NOI/RROF and FONSI notices.**

**3. §58.5(b) (2) Wetlands Protection (E.O. 11990)**

- a. Does the project involve new construction, land use conversion, or major rehabilitation?

Yes  No

- b. If yes to 3.a., are there wetlands in or adjacent to the area where construction will take place according to the Wetland Inventory Mapper maintained by the US Fish & Wildlife Service?

Yes  No  N/A

**If no to a or b, mark Box A and compliance is complete. If yes to b, mark Box B and follow HUD's Floodplain Management Regulations 8-step decision-making process of §55.20 to comply with 24 CFR Part 55. The findings of the decision-making process must be included in the ERR and summarized in Part 58 public notices, as well as NOI/RROF and FONSI notices.**

**4. §58.5(c) Coastal Zone Management [Coastal Zone Management Act of 1972, Sections 307(c) & (d)]**

- a. If the project involves new construction, land use conversion, major rehabilitation, or substantial improvements, is the project located in the Coastal Zone?

Yes  No  N/A

**If yes, mark Box B and ensure that the State CZM agency finds that the project is consistent with the approved State CZM Plain. If no, mark Box A and compliance is complete.**

**5. §58.5(d). Sole Source Aquifers [40 CFR Part 149]**

- a. If the project involves new construction or land use conversion, is the project located within a U.S. Environmental Protection Agency (EPA)-designated sole source aquifer watershed area per EPA Ground Water Office?

Yes  No  N/A

**If yes, mark Box B and consult with the Water Management Division of EPA to design mitigation measures, if necessary, to avoid contaminating the aquifer and implement appropriate mitigation measures. If no, mark Box A and compliance is complete.**

**6. §58.5(e) Endangered Species [50 CFR Part 402]**

- a. Does the project involve resurfacing, repairing, or maintaining existing streets where additional ground disturbance, outside of the existing surface is not necessary?

Yes  No

- b. If no to 6.a., has the US Fish and Wildlife Service or the National Marine Fisheries Services identified listed species or designated critical habitat in the parish where the project is located?

Yes  No  N/A

- c. If yes to 6.b., did you contact US Fish and Wildlife Service or a qualified professional to determine if the project may affect the species or habitat?

Yes  No  N/A

**If yes to a, mark Box A and compliance is complete. If no to b, the grantee is required to make a finding of “no effect” and include a memorandum to the file supporting the finding, mark Box A and compliance is complete. If yes to c, the grantee must consult with US Dept. of Fish and Wildlife to determine if mitigation is required, mark Box B.**

**7. §58.5(f) Wild and Scenic Rivers [36 CFR Part 297]**

- a. If the project involves new construction, land use conversion or major rehabilitation, is the project located within one (1) mile of a designated Wild and Scenic River, or river being studied as a potential component of the Wild and Scenic River system?

Yes  No  N/A

**If no, mark Box A and compliance is complete. If yes, mark Box B and a determination from the National Park Service must be obtained, with a finding of no direct or adverse effect.**

**8. §58.5(g) Air Quality [40 CFR Parts 6, 51, 61 and 93]**

- a. Is the project in a non-attainment area?

Yes  No

- b. If yes to 8.a., is the project consistent with the air quality State Implementation Plan (SIP)?

Yes  No  N/A

**If a is no, mark Box A and compliance is complete. If b is yes, mark Box B and obtain letter of consistency from cognizant agency.**

**9. §58.5(h) Farmlands Protection [7 CFR Part 658]**

- a. Does the project involve new construction, conversion of undeveloped land, or site clearance?

Yes  No

- b. If yes to 9.a., is the project located in an area committed to urban uses?

Yes  No  N/A

- c. If no to 9.b., does the project site include prime or unique farmland, or other farmland of statewide or local importance as identified by the U.S. Department of Agriculture, Natural Resources Conservation Service?

Yes  No  N/A

**If a is no, mark Box A and compliance is complete. If b is yes, mark Box A and compliance is complete. If c is yes, mark Box B and request evaluation of land type from MRCS using Form AD-1006, consider resulting rating to determine what mitigation measures, if any, are necessary.**

**10. §58.5(i) (1) Noise Abatement and Control [24 CFR Part 51B]**

- a. Does the project involve a noise sensitive use such as a residential structure, school, hospital, nursing home, library, etc.?

Yes  No

**If no, mark Box A and compliance is complete. If yes, contact OCD to discuss further.**

**11. §58.5(i) (1) Explosive and Flammable Operations [24 CFR 51C]**

- a. Does the project involve development, construction, rehabilitation, modernization or land use conversion of a property intended for residential, institutional, recreational, commercial, or industrial use?

Yes  No

**If no, mark Box A and compliance is complete. If yes, contact OCD to discuss further.**

**12. §58.5(i) (1) Airport Hazards [24 CFR 51D]**

- a. Is the project within 2,500 feet of a civilian airport [the Runway Clear Zone (RCZ)] or 15,000 feet of a military airfield [the Clear Zone (CZ) or Accident Potential Zone (APZ)]?

Yes  No

**If no, mark Box A and compliance is complete. If yes, obtain written finding from airport operator stating whether or not the project is located in a RCZ, CZ, or APZ. If airport operator finds project is located in RCZ, CZ or APZ, contact OCD to discuss further.**

**13. §58.5(i) (2) Contamination and Toxic Substances**

- a. Has the project area ever been used as a dump, landfill, industrial site, or type of site that may have contained hazardous wastes?

Yes  No

- b. Is the project area free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances?

Yes  No

**If no to a and b, mark Box A and compliance is complete. If yes, provide documentation from a qualified environmental professional or cognizant agency to ensure the project area is free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances or that potential sources of contamination do not pose a hazard that would restrict the intended uses of the property.**

**14. §58.5(j) Environmental Justice (E.O. 12898)**

- a. Would the proposed project have an adverse impact and would this impact disproportionately impact minority and low-income populations relative to the community-at-large?

Yes  No

**If no, mark Box A and compliance is complete. If yes, mark Box B, mitigation or avoidance of adverse impacts must be considered to the extent practicable, public participation processes must involve affected population(s) in the decision-making process. Project may not move forward until EJ issue is mitigated to the satisfaction of the grantee and the impacted community.**

**15. Summary of Mitigation Measures:**

(Required for Incorporation into Project Design, included in Public Notices, and included as requirements of contracts, grants, etc. Ensure final measures are included in Project Description Section of 7015.15.)

**16. References:**

(List all resources used to complete environmental review of the proposed project.)

**17. List of Major Reports Obtained:**

(Attach report(s), such as wetlands delineation studies, biological evaluations or habitat assessments, Phase I and II environmental site assessments.)

**18. List of Preparers and Summary of Qualifications:**